

FILED & RECORDED AMENDMENT TO ST. CHARLES COMMUNITY ASSOCIATION, INC.
DECLARATION OF COVENANTS AND RESTRICTIONS

JUL 5 3 56 PM '79

Blair

JACQUELINE ALLEN
PULASKI CO. CIRCUIT CLERK

This Amendment to the Declaration is made this
day of JUNE, 1979, by Bailey Corporation (hereinafter called the "Developer"), a corporation established under the laws of the State of Arkansas.

**Amendmen
Declaration**

WITNESSETH:

WHEREAS, Bailey Corporation is the owner of record of more than fifty percent (50%) of the lots in St. Charles Addition to the City of Little Rock; and

WHEREAS, Bailey Corporation is entitled to cast more than fifty percent (50%) of the votes in St. Charles Community Association, Inc.

Restricti

NOW, THEREFORE, the Declaration of Covenants and Restrictions dated October 24, 1977, and filed of record bearing Instrument No. 77-03402 in the office of the Recorder for Pulaski County, Arkansas, is hereby amended as follows:

1. Article I(b) of the Declaration is amended by adding the additional language:

"(b) For purposes of maintenance the guard-rail on the dam, the dam and entrance sign shall be considered common properties even though they are located on public property or public easements. The Association shall also maintain the established water courses located on Tracts H and I in St. Charles, an addition to the City of Little Rock."

2. Article (II, Section 3. of the Declaration is deleted and in lieu thereof is substituted the following:

"Section 3. Classes of Membership, Voting Rights.

The Association shall have two classes of membership: Class A and Class B.

(a) Class A. Class A members shall be all those Persons holding an interest required for membership as specified in Section 2 of this Article III with the exception of the Developer. Class A membership shall be a nonvoting membership except on such matters and in such events as are hereinafter specified. Class A members shall be entitled to full voting privileges:

(ii) any proposal that a (E)special assessment be provided by the Association, except as otherwise specifically provided;

(iii) any proposal not to repair or reconstruct any damage or destruction to the Properties and facilities;

(iv) any proposal to dedicate or transfer all or any part of the Common Properties;

(v) any proposal of merger, consolidation or dissolution (except a merger or consolidation of the Association or similar nonprofit corporation under such circumstances whereby the amounts of the assessments, charges and liens provided for herein shall not be increased);

(vi) any proposal to amend this Declaration or the Articles of Incorporation of the Association; and

(vii) any other matter for which it is herein specifically provided that approval of all classes of membership be required.

When entitled to vote, Class A members shall be entitled to one vote for each Residential Unit in which they hold any interest required for membership by Section 2 of this Article III. When more than one Person holds such interest or interests in any Residential Unit, the vote for such Residential Unit shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any such Residential Unit. In the event of disagreement among such Persons and an attempt by two or more of them to cast the vote of such Residential Unit, such Persons shall not be recognized and the vote with respect to such Residential Unit shall not be counted.

(b) Class B. The Developer shall be the sole Class B member. Class B membership shall be a full voting membership and, during its existence, the Class B member shall be entitled to vote on all matters and in all events. The Class B member shall be entitled to one vote for each Residential Unit in which it holds any interest required for membership by Section 2 of this Article III. At such time as the Class A members shall be entitled to full voting privileges, the Class B membership shall automatically terminate and cease to exist, in which event the Class B member shall be and become a Class A member insofar as it may then hold any interest required for membership by Section 2 of this Article III. From and after the date on which the Class B membership shall terminate in accordance with this Article III and cease to exist, such membership shall not be revived or reinstated.

IN WITNESS WHEREOF the Developer has caused this Amendment to Declaration to be executed by its Vice President and by the Assistant Secretary the date and year first above

STATE OF ARKANSAS)
COUNTY OF PULASKI) ss.

ACKNOWLEDGMENT 0000 640

On this day personally appeared before the undersigned, a Notary Public within and for the County and State aforesaid, duly qualified, commissioned and acting, the within named CARADINE, RONALD E. TABOR and LEAH they were the Vice President and Assistant Secretary of Bailey Corporation, an Arkansas corporation, and stated and acknowledged that they were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and official seal on this 25th day of June, 1979.

My commission expires:

1-1-83

(S E A L)

Maik Zhois
Notary Public